

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ARTHUR HENRY BALLARD, as)
Personal Representative of the Estate of)
JOSEPH RYAN BALLARD, Deceased,)
)
Plaintiff,)) CASE NO. 2:20-cv-00260-ECM-SRW
v.)
)
GENERAL MOTORS LLC,)
)
Defendant.)

**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE
TO FILE AMENDED COMPLAINT**

COMES NOW Plaintiff, ARTHUR BALLARD, as Personal Representative of the Estate of JOSEPH RYAN BALLARD, Deceased, and submits the following Unopposed Motion for Leave to File Amended Complaint pursuant to Rule 15 of the Federal Rules of Civil Procedure. In support thereof, Plaintiff states as follows:

1. The Federal Rules of Civil Procedure provide that, for amendments not filed as a matter of course, “a party may amend its pleading only with the opposing party’s written consent *or* the court’s leave,” which “[t]he court should freely give when justice so requires.” FED. R. CIV. P. 15(a)(2) (emphasis added). *See, e.g., Kimbrough v. Riedl Leuenstern GmbH Maschinenbau-und Steuerungstechnik*, 2019 WL 6883807, at *2 (S.D. Ala. Dec. 17, 2019) (granting plaintiff’s motion for leave to amend where “Defendant has consented to the proposed amendment” and because “law instructs the Court to freely give leave to amend when justice so requires”). “The thrust of Rule 15(a) is to allow parties to have their claims heard on the merits, and accordingly, district courts should liberally grant leave to amend when ‘the underlying facts or circumstances relied upon by a plaintiff may be a proper subject for relief.’ ” *In re Engle Cases*, 767 F.3d 1082,

1108 (11th Cir. 2014) (citing *Forman v. Davis*, 371 U.S. 178, 182 (1962)).

2. Defendant has provided Plaintiff with written consent for this amendment pursuant to FED. R. CIV. P. 15(a)(2).

3. Plaintiff requests leave of court to amend his Complaint to comply with the Sale Order and Injunction entered by the United States Bankruptcy Court for the Southern District of New York. *See In re General Motors Corp., et al.*, Ch. 11 Case No. 1:09-bk-50026, Order at ECF No. 2968 (Bankr. S.D.N.Y. 2009).

4. In compliance with M.D. Ala. LR 15.1, Plaintiff has attached his proposed First Amended Complaint hereto as Exhibit A.

WHEREFORE, Plaintiff respectfully requests leave to amend his Complaint as set out in the proposed First Amended Complaint.

Respectfully submitted,

Dated: August 5, 2020

/s/ Adam W. Pittman
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CERTIFICATE OF SERVICE

I hereby certify that on this the 4th day of August, 2020, the foregoing was filed with the Clerk of Court, using the CM/ECF system, which automatically notifies all counsel of record, including:

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